

Art Rejections Under 35 USC §102(b)

The Examiner has rejected Claim 29 under 35 USC §102(b) as being anticipated by Smith (U.S. Patent No. 6,036,727). The Examiner states in his rejection that Smith discloses a cleansing process comprising: placing articles to be cleaned into a containment bag through an opening having a closure means, securing the closure means, and subjecting the articles within the bag to a tumbling action in the presence of a cleaning agent, wherein the bag, when empty and with the closure means secured, readily defines an enclosed space having a predetermined three-dimensional shape, the bag having bag walls that contribute to the bag having inherent structural rigidity whereby the enclosed space is maintained in the predetermined shape sufficiently to promote, during the cleaning process, the free tumbling of article placed in the bag, wherein the bag walls are comprised of a textile composite, the composite comprising a textile substrate having a polymer facing.

Applicants respectfully traverse this rejection. The claims are believed allowable as amended, and describe an invention that is not anticipated by the single prior art reference cited by the Examiner (i.e., U.S. Patent No. 6,036,727 to Smith). A claim is anticipated only when the single reference discloses the identical invention, in as complete detail as is contained in the claim, and when every element of the claimed invention is literally present, arranged as claimed, in the reference. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants believe the Smith reference falls far short of this standard.

Contrary to the Examiner's apparent assertion that all elements are disclosed in the Smith reference, Applicants respectfully submit that the Smith reference does not disclose a bag, which, when empty and with the closure means secured, readily defines an enclosed space having a predetermined three-dimensional shape, and which has walls that contribute to the bag having inherent structural rigidity whereby the enclosed space is maintained in the predetermined shape sufficiently to promote, during the cleaning process, the free tumbling of articles placed in the bag. Consistent with this assertion, it should be noted that, while Smith describes surface area specifications for acceptable and preferred bags (see Column 13, Lines 17-23), he nowhere discusses acceptable or preferred bag *volumes*.

Accordingly, Applicant respectfully asserts that the Examiner's rejection of Claim 29 under 35 USC §102(b) is improper, and respectfully requests that the rejection be withdrawn.

Art Rejections Under 35 USC §103

Additionally, the Examiner has rejected Claims 30-46 under 35 USC §103, as being unpatentable over Smith (U.S. Patent No. 6,036,727). The Examiner states in his rejection that Smith discloses the claimed invention, as discussed in his rejection of Claim 29, "...except for the claimed shape, the claimed textile web fibers, and/or the claimed structure, friction, or stiffness values." The Examiner further asserts that "...it would have been an obvious matter of design choice to modify the teachings of Smith to provide the claimed shape, the claimed textile web fibers, and/or the claimed structure, friction, or stiffness values, since Applicant has not disclosed that the claimed shape, the claimed textile web fibers, and/or the claimed structure, friction, or stiffness values solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since



the method of Smith will perform the invention as claimed by the Applicant(s) with any shape, textile web fibers, and/or structure, friction, or stiffness values."

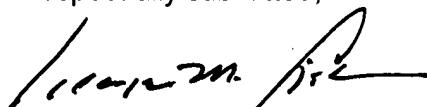
Applicants respectfully traverse this rejection. Applicants respectfully assert that it is improper to base an obviousness rejection merely upon what one skilled in the art *might try* (i.e., an "obvious design choice"), but rather such rejection must be based upon what the available prior art would have *led* one skilled in the art *to do*. *In re Tomlinson, Hall, and Geigle*, 150 USPQ 623, 626 (CCPA 1966). In this instance, there is a conspicuous lack of recognition by Smith of the role of shape, friction or stiffness values, as, for example, is set forth by Applicants in the specification at Page 3, lines 13+ (beginning of second full paragraph) and Page 4, lines 1-13 (first partial paragraph), and therefore no specific teaching in Smith that these features need be addressed at all, much less addressed in the manner claimed by Applicants.

Accordingly, Applicants respectfully assert that the Examiner's rejection of Claims 30-46 under 35 USC § 103 is improper, and respectfully request that the rejection be withdrawn.

Conclusion

Applicants believe that, in view of the above amendments and remarks, Claims 29-46 are in condition for allowance. Accordingly, reconsideration and allowance of Claims 29-46 are requested.

Respectfully submitted,

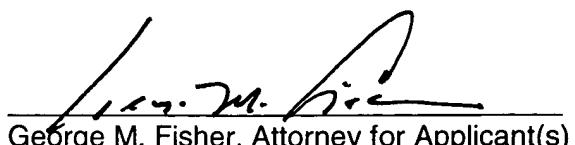


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to The Commissioner for Patents, Washington, DC 20231, on August 7, 2001, along with a postcard receipt.


George M. Fisher, Attorney for Applicant(s)

Attorney Docket No. 2127



Amendments to Claims (Indicating Changes)

U.S. Patent Application Serial No. 09 / 478,875 (Kohlman, et al.)

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38. (Once amended) The bag of Claim 29 wherein said [fabric] textile composite comprising said bag has an average Kawabata stiffness value of at least about 0.6 gms (force) cm^2 / cm , and said polymer facing [polymer-coated interior of said bag] has an average Kawabata surface friction value of less than about 0.35.

39. (Once amended) The bag of Claim 38 wherein said polymer facing [polymer-coated interior of said bag] has an average Kawabata surface friction value of less than about 0.30.

40. (Once amended) The bag of Claim 29 wherein said [fabric] textile composite comprising said bag has an average Kawabata stiffness value of at least about 1.0 gms (force) cm^2 / cm .

41. (Once amended) The bag of Claim 40 wherein said polymer facing [polymer-coated interior of said bag] has an average Kawabata surface friction value of less than about 0.3.

42. (Once amended) The bag of Claim 29 wherein said [fabric] textile composite comprising said bag has an average Kawabata stiffness value of at least about 1.2 gms (force) cm^2 / cm .

43. (Once amended) The bag of Claim 42 wherein said polymer facing [polymer-coated interior of said bag] has an average Kawabata surface friction value of less than about 0.3.

44. (Once amended) The bag of Claim 29 wherein said [fabric] textile composite comprising said bag has an average Kawabata stiffness value of at least about 1.4 gms (force) cm^2 / cm .

45. (Once amended) The bag of Claim 44, wherein said polymer facing [polymer-coated interior of said bag] has an average Kawabata surface friction value of less than about 0.35.

46. (Once amended) The bag of Claim 44, wherein said polymer facing [polymer-coated interior of said bag] has an average Kawabata surface friction value of less than about 0.25.

